

DECLARATION, POWER OF ATTORNEY, AND PETITION

We,

Name: Darcy Wayne Greep
Address: 4253 West 9580 South
South Jordan, UT 84095
Citizenship: Canada

Name: William George Pitt
Address: 85 West 1565 North
Orem, UT 84057
Citizenship: U.S.A.

10021607-121201
declare: that our citizenship and residence addresses are as set forth above; that we verily believe we are the original, first, and joint inventors of the subject matter of the invention or discovery entitled UTILIZATION OF A MULTI-CHARACTER MATERIAL IN A SURFACE COATING OF AN ELECTROSURGICAL INSTRUMENT for which a patent is sought and which is described and claimed in the specification attached hereto; that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to herein; and that we acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Section 1.56(a) of Title 37 of the Code of Federal Regulations.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

We hereby appoint as our attorneys and/or patent agents all attorneys and/or patent agents listed under customer number 022913, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:



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PATENT TRADEMARK OFFICE

All correspondence and telephonic communications should be directed to:

Jonathan W. Richards
WORKMAN, NYDEGGER & SEELEY
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 533-9800
Facsimile: (801) 328-1707

Wherefore, we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Dated this 4th day of December 2001

Inventor:

Darcy W. Greep
Darcy W. Greep

Dated this 26 day of November 2001.

Inventor: William G. Pitt
William G. Pitt

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DECLARATION CLAIMING SMALL ENTITY STATUS
FOR A SMALL BUSINESS CONCERN

I, Matt R. Sansom, hereby declare: that I am Executive Vice President of Megadyne Medical Products, Inc., a corporation of the State of Utah and having a principal place of business at 11506 South State Street, Draper, UT 84020; I am empowered to act on behalf of Megadyne Medical Products, Inc.; and that Megadyne Medical Products, Inc. qualifies as a small business concern as defined in 13 C.F.R. § 121.3-18 and 37 C.F.R. § 1.9(d), for purposes of paying reduced fees to the Patent and Trademark Office under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of Megadyne Medical Products, Inc., including those of its affiliates, does not exceed 500 persons. I understand that, for purposes of this declaration, (1) the number of employees is the average over the previous fiscal year of the number of persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and that (2) two business concerns are considered to be affiliates of each other when one business concern either directly or indirectly controls or has the power to control the other, or when a third party or parties control or have the power to control both business concerns.


I further declare that all rights, title, and interest relating to the invention entitled UTILIZATION OF A MULTI-CHARACTER MATERIAL IN A SURFACE COATING OF AN ELECTROSURGICAL INSTRUMENT, invented by Darcy W. Greep and William G. Pitt, as described in the patent application filed concurrently herewith, have been conveyed to and currently remain with Megadyne Medical Products, Inc.

I acknowledge the duty to file, in the above-mentioned application or any patent issued in respect thereof, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of (1) the issue fee or (2) any maintenance fee due after the date on which status as a small entity is no longer appropriate. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Signed this 20 day of NOVEMBER 2001.

MEGADYNE MEDICAL PRODUCTS, INC.

By:


Matt R. Sansom
Executive Vice President